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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**ASTORIA DOWNTOWN MARKET, et  
al.,**

Case No.: 3:18-cv-01367-AC

Plaintiffs,

JOINT MOTION FOR TIME

v.

**UNITED STATES OF AMERICA,**

Defendant.

Defendant United States of America and Plaintiffs Astoria Downtown Market and Samuel McDaniel (“Plaintiffs”) hereby respectfully file this joint motion for time in the above-captioned action. Pursuant to LR 7-1, the parties conferred prior to filing this motion. The parties are seeking a thirty day extension of time. There is good cause to grant this request.

The Ninth Circuit has found that the thirty day deadline for filing for fees under the Equal Access to Justice Act (“EAJA”) does not end until thirty days after the deadline to appeal. *Jianping Li v. Keisler*, 505 F.3d 913, 917 (9th Cir. 2007). The deadline to appeal the above-captioned case is May 12, 2020. The deadline to file for fees under EAJA is June 11, 2020. The parties are seeking an extension of time to May 18, 2020, which is within the allowable timeframe under the EAJA.

The parties request an extension of thirty days before this Court takes Plaintiffs’ Motion for Award of Attorney’s Fees and Costs, and To Tax Costs under advisement so that they may pursue a settlement agreement. This additional time will also allow Plaintiffs’ attorney Robert Repp to submit a request for reimbursement for his fees to the Court if he so chooses. At the time of this filing, Mr. Repp had not submitted a formal request for his fees to the Court. If this request for time is granted, Plaintiffs’ Motion for Award of Attorney’s Fees and Costs, and To Tax Costs and any opposition to it would be taken under advisement May 18, 2020.

Defendant also seeks an extension of time to respond to Plaintiffs’ Motion for Award of Attorney’s Fees and Costs, and To Tax Costs. Defendant requests to have until May 18, 2020, to respond to Plaintiffs’ motion. This additional time will allow Defendant to determine if a settlement is feasible and to prepare an opposition motion to Plaintiffs’ request for attorney fees and costs if it is not. Plaintiffs do not object to this request. If Defendant determines that a settlement cannot be consummated and is able to submit a response to Plaintiffs’ motion earlier than May 18, 2020, it will do so.

The parties do not make the request for time for purposes of delay.

Respectfully submitted this 2nd day of April, 2020.

DATED: April 2, 2020

By: s/ Andrew Z. Tapp  
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DATED: April 2, 2020

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DATED: April 2, 2020

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\*Mr. Tapp advises that Mr. Repp was unavailable to provide his consent to this filing, but should the Court require it, Mr. Repp's consent will be obtained at a later date.